

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 28th day of April 2014 A.D. at 7:00 p.m.

President Roderick opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Edward A. Roderick-President	William P. Gerlach
	Denise M. deMedeiros-Vice President	Jay J. Lambert
	James Arruda	Brett N. Pelletier
	Joan B. Chabot	

Town Administrator, Matthew Wojcik and Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

President Roderick read the items on the Consent Agenda. Councilor Gerlach requested removal of item CA7, Mackenzie Mello- Approval of 5K on May 4th to Benefit Pediatric Brain Cancer- Senior Project To Start and Finish at Grinnell's Beach –Recommendation from Police Chief Blakey. Councilor Pelletier requested removal of CA 5, 2014 Rhode Island KIDS COUNT Factbook. Councilor Arruda requested minutes from Recreation Commission was referred to the Town Administrator. Town Clerk Mello requested removal of CA9, Pauline Richard – Request for Streetlights Installed on Ledoux Lane from Winterberry to Teaberry- Recommendation from DPW Director and Police Chief Blakey – Notice Will Be Sent to Ms. Richard. Ms. Richard was contacted, was going to attend the meeting. Solicitor Teitz suggested withdrawing this item from the Consent Agenda, continue it to the next meeting.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the rest of the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Minutes Regular Council Meeting April 7, 2014 - Councilor Gerlach Abstains - Absent
- b. Approval of Executive Session Minutes April 7, 2014 - Councilor Gerlach Abstains - Absent
- c. Approval of Special Meeting Minutes February 5, 2014
- d. Approval of Executive Session Minutes Special Meeting February 5, 2014
- e. Approval of Executive Session Minutes – January 13, 2014
- f. Approval of Executive Session Minutes December 9, 2013 - Councilor deMedeiros Abstains - Absent

A-2-Receipt of Minutes from the Following Boards, Commissions:

- | | |
|--------------------------------------|---|
| a. Art Committee | e. Street Advisory Committee |
| b. Library Board of Trustees | f. Wastewater Management Commission (2) |
| c. Planning Board (2) | g. Street Advisory Committee |
| d. Pocasset Hill Cemetery Commission | |

A-3-Correspondence – Receive and File:

- a. Tiverton School Committee, North Kingstown School Committee, East Greenwich School Committee and Smithfield School Committee – Resolutions Opposing H7465 and S2411- Contract Continuation

- b. Burrillville Town Council – Resolutions Supporting S2018 & H7430 Relating to Taxation, S2104 & H71126 Relating to Background Checks, S2085 & H7628 Relating to Low and Moderate Income Housing, H7247 Relating to Municipal Road & Bridge Revolving Fund, H7270 Relating to Courts and Civil Procedures, H7747 Education Equity and Property Tax Relief Act , S2032 Relating to Courts and Civil Procedures, S2078 Levy and Assessment of Local Taxes and Resolutions Opposing S2593 Relating to Public Use of Private Lands Liability Limitations and Opposing 2014 S2677 Levy and Assessment of Local Taxes
- c. North Kingstown Town Council – Resolution Supporting Repeal of Straight Party Vote Option
- d. Tiverton Conservation Commission – Copy of Letter Sent to Federal Aviation Administration – Referred to Town Administrator
- e. North Tiverton Fire District Regarding Bid Award Garden Heights Water Main Project - Copy of Letter to General Manager Paul St. Laurent and Response from NTFD Attorney Eric P. Chappell
- f. Bruce Cox, Harbor & Coastal Waters Management to RIDOT - Sakonnet River Bridge Boat Access Ramp
- g. Additional Tourism Suggestions Submitted by Barbara Pelletier

A-4- Kate Michaud, Administrative Officer Report of Activities for March 2014

A-6- Denise Saurette, Treasurer

a. Distribution of March 2014 Budget and Revenue Reports

b. Distribution of Quarterly Summary Report for Division Municipal Finance Ending March 31, 2014

A-8-Request from Michael Marc Jean - Abandonment of a Portion of Roy Street from Crandall Road to Hemlock Street – Scheduling of Public Hearing on June 9

A-10-Bruce Cox, Harbor Commission Chair – Request Town Administrator Correspond with Eastern Rhode Island Conservation District for Assistance Regarding Bacterial Water Quality Concern on Seapowet Marsh - Referred to Administrator

A-11-Leroy Kendricks, WWMC Chairman – Request Approval to Forward Wastewater Facilities Plan Update to RI Department of Environmental Management (RIDEM) for Formal Approval

a.RIDEM Review of the Town’s Wastewater Facilities Plan Update

BUSINESS BROUGHT BEFORE THE COUNCIL

CA5-2014 Rhode Island KIDS COUNT Factbook

Councilor Pelletier asked if anyone was here to speak on this item, no one came forward.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to receive and file the 2014 Rhode Island KIDS COUNT Factbook. Motion passed unanimously.

CA7-Mackenzie Mello- Approval of 5K on May 4th to Benefit Pediatric Brain Cancer- Senior Project To Start and Finish at Grinnell’s Beach –Recommendation from Police Chief Blakey

Councilor Gerlach explained as part of the Consent Agenda not usually an opportunity to speak. Requested Ms. Mello come forward to talk about this senior project. Commended Ms. Mello on the project and proposal, deserved a lot of credit for taking this on, raising funds for such an important cause. Ms. Mello explained 4% of fundraisers set for brain cancer.

Pauline Richard – Request for Streetlights Installed on Ledoux Lane from Winterberry to Teaberry- Recommendation from DPW Director and Police Chief Blakey – Notice Will Be Sent to Ms. Richard

Solicitor Teitz recommended this be withdrawn from Consent Agenda, continued to next meeting.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to continue to the next meeting request from Pauline Richard for Streetlights Installed on Ledoux Lane from Winterberry to Teaberry- Recommendation from DPW Director and Police Chief Blakey – Notice Will Be Sent to Ms. Richard. Motion passed unanimously.

Motion to move item up in the agenda

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to move G3, Leroy Kendricks, WWMC Chairman – Request Approval for Town Council Acceptance of Blackbird Court Pumping Station Together with All Appurtenant Infrastructure up in the agenda after A12.

A-12-OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS:

Barbara Pelletier, Tiverton tourism representative, suggested an agricultural farm tour, possibly a student project for Fort Barton map in a plexiglass holder.

Item Moved up in agenda

G3 - NEW BUSINESS:

Leroy Kendricks, WWMC Chairman – Request Approval for Town Council Acceptance of Blackbird Court Pumping Station Together with All Appurtenant Infrastructure

President Roderick recused, left the Council table, resident of Countryview. Vice –President deMedeiros chaired this portion. Leroy Kendricks, Wastewater Management Commission (WWMC) Chair and John Lincourt, Wastewater Superintendent asked the Town to accept the Blackbird Court Pumping Station. The WWMC voted to recommend the Town accept the pumping station. Mr. Lincourt explained the pumping station has been inspected several times, will also be done prior to takeover. Issues have been resolved. Will take over at the earliest convenience, be part of the district transfers once established.

Councilor Chabot made a motion, seconded by Councilor Pelletier to approve the acceptance of the Blackbird Court Pumping Station together with all associated Infrastructure subject to inspection relative to the completion of any remedial action needed. Motion passed on a vote of 6-0-1, Councilor Roderick recused.

PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

ADVERTISED PUBLIC HEARINGS

Sam Shuford – Church Community Housing Corporation Small Cities Community Development Block Grant Application - First Public Hearing

Christian Belden appeared for Church Community Housing (CCH) for the first of two required public hearings for the Community Development Block Grant (CDBG) application. The purpose of this hearing is to notify residents of the Town intent to apply for \$250,000 for actions to benefit low to moderate income residents with economic, housing and public facilities improvements. Last year the Town received \$122,612 which benefited the Women's Resource Center (WRC), East Bay Community Action Program (EBCAP), Housing Hotline and RI micro enterprises incubator. Most of last year's funding went to the North Tiverton streetscape and sewer expansion program. Received several letters of intent for this year including \$4K for WRC,\$3K for Newport County Health First, and the CCH revolving loan rehab program, anticipate a request for the continuation of the No. Tiverton sewer expansion program.

President Roderick opened the hearing to the public, requested comments. Susan Skank requested \$5,450 for the EBCAP for structural repairs for the community food pantry, helps to support Town residents, served over 400 individuals. Gerri Manning requested \$5K for the Nancy Brayton Osborne Adult Day Care program. This benefitted 21 residents, 85% low to moderate income, helps to keep people at home. Sally Black questioned if handicap accessibility could be paid for at the school by public funds. Mr. Belden affirmed that could be applied.

Town Clerk Mello received a report from the State on the polling locations; have several issues including some with the schools for ADA compliance. Will discuss with the T/A, don't have figures. Jimmy Winters requested \$4K for Community Resources Housing Hotline. This program helps with housing including emergency housing, provides temporary shelter and education. David Brayton requested \$25K for water lines, new roads at the Four Seasons Mobile Home Park. All those requesting thanked the Council for consideration. President Roderick called for comment from the public 3 times, seeing none closed the public portion.

Mr. Belden explained the handicap accessibility qualifies as an action category by US Housing and Urban Development presumed to be low to moderate incomes, accessibility improvements automatically qualify. T/A Wojcik questioned if the location was irrelevant, Mr. Belden affirmed. DPW Director Berlucchi mentioned the handicap accessibility project on Walnut Street in North Tiverton, an access corridor from the Bourne Mill to State Avenue, known as the 40 steps, request funds for the second half of the project. Mr. Belden requested the scope of the work with an estimate will include for the 2nd public hearing, need to submit by May 1st. Councilor Chabot noted the Senior Center did not get the funds requested last year for the kitchen. Request T/A Wojcik have Ms. Gomes pull from last year's request. Questioned why the CDBG funds dropped by \$50K for this year. Mr. Belden explained the funding is based on a formula; the State has 3 set aside funds for housing rehabilitation, housing development and homeless. Two million dollars has been set aside for these activities reducing the funds on average by \$50K for every community. Councilor Chabot requested more detailed information from Mr. Belden. President Roderick questioned if the Senior Center van replacement could be included. Mr. Belden affirmed, is an eligible activity, it is the Town's application. President Roderick thanked Mr. Belden.

PUBLIC PRESENTATIONS

RIDOT- Town Administrator – Presentation Regarding Roundabout on Stafford Road

T/A Wojcik noted RIDOT will speak to this, but around the country is a matter of priority to solve traffic issues with a roundabout, provides safety and improvements. Steve Pristawa, Francisco Rivera and Joe Nascimento appeared for RIDOT. In March RIDOT came up with a conceptual plan, met with the Administrator, Planner, DPW and the Police Chief. It is a good intersection for a roundabout, no land acquisition needed. The State Traffic Commission (STC) recommended approval of a roundabout and improvements to this intersection. Averages 5 accidents per year, speed study showed 85% average 40 mph, 14,000 vehicles per day travel on William Canning Boulevard, 1,400 on Hurst Lane. Propose improvement to the intersection with a roundabout. Will have a restriction for a left turn from Hurst Lane onto Stafford Road. Those vehicles will have to turn right, enter the roundabout to go south on Stafford Road. The roundabout is a low speed alternative as well as restricting left turn access onto Hurst. Would be a great safety improvement for that area.

Mr. Rivera explained, a single lane roundabout is the safest, good for all modes of traffic, can handle the biggest truck, moves traffic very well, offers flexibility. Good in urban areas, reduces spent fuel and emissions. DPW Director Berlucchi liked the idea of the roundabout, disagreed with the location. Suggested moving it up closer to Hurst Lane. President Roderick was concerned about taking a left from the Boulevard onto Hurst Lane, still have to deal with the Stafford Road traffic. Mr. Pristawa explained there would be signage informing drivers, upon entering the roundabout drivers slow down. Chief Blakey has been involved with this item for many years, good place for a roundabout to slow the traffic down, primary concern is speed. Several people expressed concern about the sight line while waiting to make a left turn onto Hurst Lane from Canning Boulevard. Councilor Gerlach suggested revised designs for the process. Mr. Pristawa can show some different alternatives the next time. President Roderick thanked the representatives from RIDOT for the presentation.

TOWN COUNCIL SITTING AS BOARD OF LICENSING

NON ADVERTISED LICENSES

Jean M. Cameron, St. Theresa's Parish, 265 Stafford Road – Request (3) Class F – One Day Liquor Licenses for Annual Parish Festival Subject to Meeting All Legal Requirements a.August 1, 2014 between 5:00 p.m. to 9:00 p.m.

b.August 2, 2014 between 3:00 p.m.to 9:00 p.m.

c.August 3, 2014 between 12:00 p.m. to 6:00 p.m.

Mrs. Cameron explained the request was for the annual parish feast, seeking three one day liquor licenses for August 1st, 2nd and 3rd as in the past.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the request for (3) Class F – One Day Liquor Licenses for St. Theresa’s Parish Annual Parish Festival at 265 Stafford Road for the dates and times listed, subject to meeting all legal requirements. Motion passed unanimously.

Robert Vital d/ b/a East Coast Wholesale– Requests Approval of Holiday License at 1560 Bulgarmarsh Road, Rte 177 Flea Market– Subject To Meeting All Legal Requirements

Town Clerk Mello noted Mr. Vital was at the last meeting for a Fireworks Permit, needs a Holiday License.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve a Holiday License for Robert Vital d/b/a East Coast Wholesale subject to meeting all legal requirements. Motion passed on a vote of 6-0-1, Councilor deMedeiros abstained, not at Council table.

Mario Ardente d/b/a Pools & Spa Inc., - Requests Approval of Holiday License at 295 Main Road – Subject To Meeting All Legal Requirements

Douglas Finglass appeared for Mr. Ardente looked to be open on holidays.

Councilor Gerlach made a motion, seconded by Councilor Chabot to approve a Holiday License for Mario Ardente d/b/a Pools & Spa Inc., at 245 Main Road subject to meeting all legal requirements. Motion passed on a vote of 6-0-1, Councilor deMedeiros abstained, not at Council table. Mr. Finglass explained the address was 295 Main Road. President Roderick noted for the record the address is 295 Main Road.

Demetri Costa., J.L.C Construction, 765 State Road, Dartmouth, MA –Requests Approval of Late Renewal of Street Excavator License – Subject To Meeting All Legal Requirements

DPW Director Berlucchi explained Mr. Costa had a Street Excavator license in Massachusetts, did check, received good references, recommend issuance.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the late renewal of a Street Excavator for Demetri Costa., J.L.C Construction, 765 State Road, Dartmouth, MA subject to meeting all legal requirements. Motion passed unanimously.

Jeffrey Hickey, JH Landscaping & Construction Inc., 1102 Sharps Lot Rd., Swansea, MA - Requests Approval of Street Excavator License – Subject To Meeting All Legal Requirements

Director Berlucchi checked the references for Mr. Hickey, recommended approval.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the request of a Street Excavator License for Jeffrey Hickey, JH Landscaping & Construction Inc., 1102 Sharps Lot Rd., Swansea, MA, subject to meeting all legal requirements. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS:

Appointment Recreation Commission–Vacancy 3 Year Term to Expire 4/15/17-Susan Gill, 1392 Main Rd

Mrs. Gill, currently on the Economic Development Commission has been attending the Recreation Commission meetings. This Board has a lot of work and responsibility.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to appoint Susan Gill to the Recreation Commission for a 3 year term to expire 4/15/17. Motion passed unanimously.

Appointment to Zoning Board Review – 2nd Alternate – Annual Appointment Expiring 7/15/15- Alan J. Doucet, 95 South Avenue

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to appoint Alan J. Doucet as 2nd Alternate to the Zoning Board of Review Annual Appointment expiring 7/1/15. Motion passed unanimously.

UNFINISHED BUSINESS:

FINANCIAL BUSINESS:

Town Administrator – Request Council Approval of Transfers of Funds From Acct#1010-6954 (Town Clerk/Advertising) to Acct#1020-6954 (Town Council Advertising) for \$4,000

T/A Wojcik explained the heavy demand for advertising for employment and Boards and Commissions. Town Clerk Mello volunteered \$4K out of the Clerk's budget to help cover, anticipate further advertising. Town Clerk Mello had requested the Zoning advertising for the Comprehensive Plan (Comp Plan), have reserved \$5k for the Form Base Code ad in June.

Councilor Gerlach made a motion, seconded by Councilor deMedeiros to approve the request of Transfer of Funds from Account#1010-6954 (Town Clerk/Advertising) to Account #1020-6954 (Town Council Advertising) for \$4,000. Motion passed unanimously.

Town Administrator – Request Council Approval of Transfers of Funds - Police Department

\$6,628.46 from Acct#3330-5108 (Longevity)

\$1,000.00 from Acct#3330-5109 (Health & Wellness)

\$10,000 from Acct# 3330-7611 (Gasoline) -----Totaling \$17,628.46

To Acct#3330-6667 (Operations) To Purchase New Computers

T/A Wojcik noted this was not to purchase new computers but to replace obsolete computers due to a change in the operating system. Chief Blakey explained the RI State Police mandated the change for 2003 models for security reasons. Will go by the State bid list or advertise. Transfer from the Health & Wellness account comes from employees who have left. Monitoring with the new fuel system paying off, using less gas.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to authorize the Transfer of Funds totaling \$17,628.46 from the accounts listed to purchase replacement computers. Motion passed unanimously.

NEW BUSINESS:

Police Chief Blakey – Request Approval of Resolution for Tiverton Police Mutual Aid Agreements with Four Abutting Communities- Little Compton, Portsmouth, Fall River and Westport

Chief Blakey, in the process of seeking accreditation, required to renew contracts every three years for RI communities. Will also upgrade the surrounding communities; seek permission to get the required signatures, all four have to agree. Town Clerk Mello will adjust the dates; Chief Blakey noted nothing else was changing.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the Tiverton Police Mutual Aid Agreements with Little Compton and Portsmouth, RI, Fall River, MA and Westport, MA with the appropriate date changes. Motion passed unanimously.

Board of Canvasser/Councilor Chabot – Request Approval of Resolution in Support of General Assembly Bills Relating to Eliminating the Option of Single Party (Master Lever) Voting in Non-Primary Elections

Councilor Chabot noted this resolution was also being requested by the Board of Canvassers. A similar resolution was approved last year, is the same issue, the master lever has outlived its usefulness. The Town Council, School Committee and Budget Committee are all non-partisan elections. Requesting Council approval to forward to the Governor, Senate President Theresa Paiva-Weed, Speaker of the House of Representatives, Nicholas Mattiello and the other city and town governments in RI. Councilor Chabot did attend the hearings and testify.

Councilor Chabot made a motion, seconded by Councilor Pelletier to approve the Resolution in Support of General Assembly Bills Relating to Eliminating the Option of Single Party (Master Lever) Voting in Non-Primary Elections. Motion passed unanimously.

Adopted Resolution attached at end of minutes.

Barbara Haddad, Tiverton Garden Club – Request Approval for Clean Up Week Banners on Town Property To Be Placed on Fence at Bulgarmarsh Park and Town Farm Garden Area (6ft x 28in)

Town Clerk Mello explained Mrs. Haddad was unable to attend, did bring the banner in, was measured by the Clerk in the building office, used to hang them at Souza Road. Clean Up Week starts this Saturday.

Councilor Pelletier made a motion, seconded by Councilor Chabot to grant permission to the Tiverton Garden Club to hang banners on Town property to be placed on fence at Bulgarmarsh Park and Town Farm Garden Area. Councilor Pelletier reminded next week is Clean Up Week; kick off Saturday at Grinnell's Beach. Motion passed unanimously.

BIDS AND REQUESTS FOR PROPOSALS:

DPW Director Steve Berlucchi – Request to Advertise for Price Proposals for Consultant Engineering Services for Landfill Operations

DPW Director Berlucchi explained this contract every 3 years for the environmental consultant for the landfill, this contract ends June 30th. Have had more than one response in the past, should be the last time.

Councilor Gerlach made a motion, seconded by Councilor Chabot to approve the request to Advertise for Price Proposals for Consultant Engineering Services for Landfill Operations. Motion passed unanimously.

Town Administrator – Authorization to Award Contract for Audit Services to Hague Sahady & Co., PC, 126 President Ave., Fall River, MA for \$43,000.00

T/A Wojcik explained went out to bid for a one year contract with an option for up to 3 years. Had 6 respondents, very professionally done, small differences mattered. The State Auditor General had a formula, points were awarded, price counted for 20 points out of 100. The lowest bidder also had the highest score. Recommend the Town Council and School Committee award this bid to Sahady & Co.

Councilor Pelletier made a motion to approve the contract for Audit Services with Sahady & Co for one year with an option for two more years. Seconded by Councilor deMedeiros for discussion. Question arose on the budgeted amount; Treasurer Saurette confirmed this was under the budget. Motion passed unanimously.

TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

1. Town Clean Up starting May 3rd kicks off at Grinnell's Beach at 9:00 am, a weekly event.
2. State of RI Economic Development will be holding discussions around the State on a Master Plan for the State. Discussing numerous principles and objectives. Closest discussion is on May 8th at St. Lucy's parish hall in Middletown. Will post the schedule on the Town website.

Request from Talia Policelli, Director of Legislation, State of RI-Support of Resolution for Municipal Road and Bridge Revolving Fund

Ms. Policelli, Director of Legislation for the General Treasurer has asked for all the Town Councils for support of the resolution for municipal road revolving fund. The General Treasurer has established \$7Million dollars for this fund from the Clean Water Finance Agency. The Town may need it at some time, funds set aside for infrastructure, asking the Council for support.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve Resolution 2014-5 for Municipal Road and Bridge Revolving Fund. Motion passed unanimously.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Chabot – Comprehensive Plan Update

Councilor Chabot noted the Comp Plan Advisory Committee had a second meeting on 4/15, met with Ken Buckland, Cecil Group. Action items were discussed, next meeting tentatively set for 5/22. Talking about having 2 public input sessions in June, have not found a location for those meetings.

Councilor Arruda mentioned quarry licenses, Conservation Commission member Trish Hilton previously brought up bringing in a hydro geologist. T/A Wojcik spoke to Ms. Hilton, did research, suggested waiting to line up with quarry legislation.

Councilor Pelletier reminded everyone about the Financial Town Hearing, Middle School Cafetorium this Thursday at 7pm.

TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

Solicitor Teitz announced Assistant Solicitor Mike Ursillo would be at the FTR hearing on Thursday.

1. Fireman's Fund Insurance Co. v. Gareth Eames C.A. No. 12-836ML

This lawsuit was brought when Fireman's Fund sued the builder for faulty construction; the builder sued the Town and the Town Building Inspector for not having caught the faulty construction. Defended by the Interlocal Trust, they settled, the Town pays the \$5K deductible.

2. McLaughlin v. Tiverton – Update

Solicitor Teitz explained at the last meeting the Judge entered an order for Mr. McLaughlin to remove the offending structure in 90 days. Mr. McLaughlin was not present, he motioned for reconsideration. Document filed do not include anything new. Down for hearing this Friday at 2pm in Newport.

3. Town of Tiverton v. LAL Construction, Inc. et al CA - NC2013-0087

There was a request for production of documents from the Town. Have produced several thousand pages already through the Federal Court case; argue these are the same documents for the State Superior Court case.

Solicitor Teitz announced Grow Smart RI having a series of workshops on land use. Will be one here at the Town Hall on Wednesday, May 28th. Solicitor Teitz will conduct the legal training. From 5:30-9:30 pm, dinner is at 5:30 pm. For Tiverton Board members the \$30.00 dinner is free of charge because of the participation in the Interlocal Trust. Encourage everyone to attend.

COUNCIL ANNOUNCEMENTS:

Councilor deMedeiros received many calls regarding yard waste collection; suggest another one in April, too late now, maybe next year, perhaps eliminate the August one.

TOWN CLERK ITEMS AND ANNOUNCEMENTS

Financial Town Referendum Update

Town Clerk updated, the FTR Hearing is at the Middle School Cafetorium Thursday May 1st, encourage everyone to go, last chance to hear from the Budget Committee, Town Council and Mr. Katz or a representative on the elector petition. Will be able to ask questions on parts of those budgets. The School Committee will also be represented. Does not change the docket which is set, waiting for the State to certify the ballot, will have copies available when ready. Have reports from the Treasurer and Town Administrator. Copies of the docket will be available along with the petitioner's back up. Will make available at the library after May 1st. Absentee mail ballot applications accepted until May 5th. Absentee voting before the FTR will be at the Town Hall on May 15,

16 & 17. Making clear the hearing on May 1st is the opportunity to ask questions about the Budget, put input into it. The FTR is for all eligible electors on May 20th, will require picture ID.

Notice of Proposed Property Tax Rate Change for FY 2014/15

Distributed a copy of the notice so the public would be aware of the change. By law the Council President has to put the notice in the newspaper.

CLOSED EXECUTIVE SESSION:

Solicitor – 42-46-5(a) (2) – Potential Litigation and 42-46-5(a) (4)-Investigation – Fire Department

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a)(2) – Potential Litigation and 42-46-5(a) (4)-Investigation – Fire Department. Motion passed unanimously.

The Council entered into Executive Session at approximately 9:25 p.m.

The Council returned to Open Session at approximately 9:40 p.m.

OPEN SESSION:

In Open Session Council President Roderick announced no action had been taken in closed session.

ADJOURNMENT:

Councilor Pelletier motioned to adjourn. Seconded by Councilor Chabot, motion passed unanimously.

Council adjourned at approximately 9:45 pm.

A True Copy.

ATTEST: _____ Nancy L. Mello, Town Clerk

**RESOLUTION OF THE TIVERTON TOWN COUNCIL
SUPPORTING GENERAL ASSEMBLY BILLS S2091 AND H7512
ACT RELATING TO ELECTIONS**

**Resolution Supporting Eliminating the Option of Straight Party (Master Lever) Voting by
Means of a Single Mark in Non-Primary Elections**

WHEREAS: the Master Lever law was enacted in 1939; and

WHEREAS: Rhode Island is the only state in New England, and one of only sixteen states that continues to use the Master Lever; and

WHEREAS: if a voter elects to use straight party voting on ballots with a non-partisan race, no vote is cast for the non-partisan office unless the voter specifically marks the ballot for that race; and

WHEREAS: it is well documented that non-partisan races are under-voted when the straight party vote option is used, which disenfranchises both candidates and voters; and

WHEREAS: elimination of the straight party vote option would contribute to increased voter participation in the election process and would provide for improved and accurate voting by the electors; and

WHEREAS: Rhode Island needs to join its neighboring states in the Northeast in modernizing its voting practices by eliminating the straight party vote option; and

NOW THEREFORE BE IT RESOLVED: That the Tiverton Town Council adopts this resolution in support of passage of Senate Bill S2091 and House Bill H7512 to eliminate the straight party vote option in Rhode Island elections, and be it further

RESOLVED: That a copy of this resolution be forwarded to Town of Tiverton Legislators in the Rhode Island General Assembly along with Governor Lincoln Chafee, Senate President M. Teresa Paiva Weed, House Speaker Nicholas Mattiello, and all other City and Town Governments in Rhode Island, seeking the support of all for legislative action to eliminate the Master Lever.

PASSED AND APPROVED THIS 28TH DAY OF APRIL 2014.

APPROVED: _____
Edward Roderick, Town Council President

ATTEST: _____
Nancy L. Mello, Town Clerk